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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,881	08/06/2001	Brian K. Balzum	1001.1403101	6196

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EXAMINER

NGUYEN, VI X

ART UNIT PAPER NUMBER

3731

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

09/925,881

<b>Applicant(s)</b>
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BALZUM ET AL.

Examiner

Victor X Nguyen

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2003 .
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-28 and 30-34 is/are pending in the application.  
4a) Of the above claim(s) 1-24 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-28 and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6) ☐ Other: \_\_\_\_\_

Art Unit: 3731

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because they do not include the following reference sign(s) mention in the description: "an aperture" and "a first surface" in figures 31 and 32. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation "the engagement structure is a coil" should be more described and illustrated in figures 31 and 32. (The election was made without traverse in Paper No. 4.

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why is this here

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-28, 30-31 and 34 are rejected under 35 U.S.C. 102 (b) as being anticipated by Baker et al. (U.S. 5,693,083).

Regarding claims 25-27, Baker et al show in figures 1, 6 and 12-15, a guide-wire (56) including a first wire (fig. 12, item 57), wherein the first wire (fig. 12, item 57) includes a body member, a lumen (col. 6 lines 49-58) and a female threaded member (col. 8 lines 16-18) disposed within the lumen; wherein the female threaded member (col. 8 lines 16-18) of the first wire (fig. 12, item 57) defines an aperture and a first surface (not labeled), wherein a second wire(91) and an engagement structure (figures 12, 13, col. 8 lines 15-18) adapted to threadingly engaged the female threaded member (col. 8 lines 16-18) of the second wire (91).

Regarding claim 27, applicants' "the engagement structure is a coil" is not understood (see 112-first rejection). As best understood, Baker et al. element 102, 104 in figure 12 is considered a coil. It should be noted Baker et al contain many other elements that may anticipate applicants' "the engagement structure is a coil" when the claim term is fully understood.

Regarding claims 28 and 34, Baker et al show in figures 12-15, a first wire (57) and a second wire (91) means for coupling the first wire to the second wire including a female thread and a male thread (figures 12, 13, col.8 lines 15-18); and wherein the male thread adapts to deform when threadingly engaged with the female threaded (col. 8 lines 16-18).

Regarding claims 30 and 31, Baker et al show in figures 12-15, a guide-wire (56) including a first member (57) and a second member (91), wherein the male thread adapts to threadingly engaged the female thread (col. 8 lines 16-18) and includes a first portion (105) and a second portion (106); and wherein the second portion (106) adapts to deform when threaded into the female threaded (col. 8 lines 16-18), wherein the deformation of the second portion of the

Art Unit: 3731

male thread (figures 12, 13 col. 8 lines 15-18) acts to inhibit rotation of the first member (57) relative to the second member (91).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Baker et al. '083. Although, Baker et al. '083 do not disclose the male thread includes a different thread pitch and a different thread size from the first portion of the male thread, it would have been obvious matter of design choice to modify the Baker et al male thread size and shape by having the male thread includes a different thread pitch and a different thread size from the first portion of the male thread, since applicants have not disclosed that having the male thread includes a different thread pitch and a different thread size solves any stated problem or is for any particular purpose and it appears that the male thread as claimed would perform equally well with the Baker's male thread device.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,240,615 to Kimes et al

U.S. Pat. No. 5,897,567 to Ressemann

U.S. Pat. No. 4,700,705 to Kensey

U.S. Pat. No. 6,322,586 to Monroe

Art Unit: 3731

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X Nguyen whose telephone number is (703) 305-4898.


The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on (703) 308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Victor X Nguyen  
Examiner  
Art Unit 3731

vn  
March 2, 2003

  
MICHAEL J. MILANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700